

### **AMENDMENTS TO THE CLAIMS**

This listing of claims will replace all prior versions, and listings, of claims in the application:

#### **Listing of Claims:**

1. (Currently amended) An apparatus for approximating body vessels, comprising:

at least one fastener including:

a first fastener portion having an anchoring leg portion and a locking leg portion;

a second fastener portion having an anchoring leg portion and a locking leg portion, wherein the first and second fastener portions are operatively associated with one another by an interconnecting feature allowing for selectively fixing the position of the first fastener portion and the second fastener portion with respect to one another; and

wherein at least one of the first fastener portion and the second fastener portion has a first position in which the anchoring leg portion is adjacent the locking leg portion and a second position in which the anchoring leg portion is spaced a distance from the locking leg portion;

a suture operably associated with the anchoring leg portion of at least one of the first fastener portion and the second fastener portion wherein the anchoring leg portion of at least

one of the first and second fastener portions is repositionable between the first and second positions upon manipulation of the suture;

a first member configured and adapted to engage the first fastener portion; and

a second member configured and adapted to engage the second fastener portion, the first member and the second member being movable with respect to one another to move the first fastener portion and second fastener portion with respect to one another.

2. (Previously presented) The apparatus according to claim 10, wherein each of the first fastener portion and the second fastener portion have a first position in which the anchoring leg portion is adjacent the locking leg portion and a second position in which the anchoring leg portion is spaced a distance from the locking leg portion.

3. (Previously presented) The apparatus according to claim 1, wherein each of the anchoring leg portions of the first and second fastener portions includes a sharpened tip, wherein the sharpened tips are oriented substantially toward one another.

Claim 4. (Cancelled)

5. (Previously presented) The apparatus according to claim 1, wherein each fastener is made from the group of materials consisting of stainless steel, titanium, polyglycolic acid and polylactic acid.

6. (Previously presented) The apparatus according to claim 1, further comprising fixing elements on each of the first and second fastener portions.

7. (Previously presented) The apparatus according to claim 6, therein the fixing elements include:

a series projections formed along a surface of the first fastener portion; and

a locking passage formed along a surface of the second fastener portion, the locking passage being configured and dimensioned to receive an end of the locking leg portion of the first fastener portion therein, wherein the locking passage includes at least one projection extending from an inner surface thereof which at least one projection is configured and dimensioned to engage the series of projections formed along the surface of the first fastener portion.

8. (Previously presented) The apparatus according to claim 7, wherein the locking passage is defined by a pair of side walls extending from the locking leg portion of the second fastener portion and an end wall interconnecting and extending between the pair of side walls, the at least one projection of the locking passage being formed on an inner surface of the end wall.

9. (Previously presented) The apparatus according to claim 6, wherein the fixing elements permit movement of the first fastener portion relative to the second fastener portion in a first direction and prevent movement in a second direction.

10. (Previously presented) The apparatus according to claim 1, wherein the first and second fastener portions have a locking leg portion pivotably connected to the respective anchoring leg portion.

11. (Previously presented) The apparatus according to claim 1, wherein the fastener portion includes a lip extending from the first fastener portion, and wherein the first member comprises an anvil having a hook formed at a distal end thereof engaging the lip of the first fastener portion.

12. (Previously presented) The apparatus according to claim 11, wherein the second fastener portion includes a lip extending from the second fastener portion, and wherein the second member comprises a pusher having a recess formed in a distal end thereof for engaging the lip of the second fastener portion.

13. (Currently amended) An apparatus for approximating body vessels, comprising:

at least one fastener including:

a first fastener portion having an anchoring leg portion;

a second fastener portion having an anchoring leg portion, wherein the first and second fastener portions are operatively associated with one another by an interconnecting feature allowing for selectively fixing the position of the first fastener portion and the second fastener portion with respect to one another; and

wherein at least one of the anchoring leg portions of the first and second fastener portions includes a sharpened tip configured and dimensioned to penetrate body vessels;

a suture operably associated with the anchoring leg portion of at least one of the first fastener portion and the second fastener portion wherein the anchoring leg portion of at least

one of the first and second fastener portions is repositionable between a first and a second position upon manipulation of the suture;

a first member configured and adapted to engage the first fastener portion; and

a second member configured and adapted to engage the second fastener portion, the first member and the second member being movable with respect to one another to move the first fastener portion and second fastener portion with respect to one another.

14. (Previously presented) An apparatus according to claim 13, wherein the sharpened tip is configured and dimensioned to anchor the apparatus relative to the body vessel.